

AT A MEETING OF THE MONTGOMERY COUNTY PLANNING COMMISSION ON APRIL 14, 2010 IN THE BOARD ROOM, SECOND FLOOR, COUNTY GOVERNMENT CENTER, CHRISTIANSBURG, VIRGINIA:

**CALL TO ORDER:**

Mr. Rice, Chair called the meeting to order and established the presence of a quorum.

Present:        Bryan Rice, Chair  
                  Ryan Thum, Secretary  
                  William Seitz, Vice Chair  
                  Walt Haynes, Member  
                  Robert Miller, Member  
                  John Tuttle, Member  
                  Malvin Wells, Member  
                  Frank Lau, Member  
                  David Moore, Member  
                  John Muffo, Board of Supervisors Liaison  
                  Steve Sandy, Planning Director  
                  Dari Jenkins, Planning & Zoning Administrator  
                  Brea Hopkins, Zoning Technician  
                  Jamie MacLean, Development Planner

Absent:         None

**CALL TO ORDER:**

**DETERMINATION OF A QUORUM:**

**PUBLIC ADDRESS:**

Mr. Rice opened the public address session; however, there being no speakers the public address was closed.

**APPROVAL OF AGENDA:**

On a motion by Mr. Thum, seconded by Mr. Miller, and unanimously carried the agenda was approved.

**PUBLIC HEARING:**

A request by Kelly L. Burdette and John A. Barr Jr. for a special use permit on 57.139 acres in an Agricultural (A-1) zoning district to allow a commercial kennel and allow two (2) accessory structures in excess of 1,200 sq. ft. in area and 18 ft. in height. The property is located on the north side of Craig Creek Road (Rt. 621), approximately 0.80 miles east of the intersection with Pandapas Pond Rd. (US 460), and is identified as Tax Parcel No. 015-A-1 (Acct # 002518) in the Mount Tabor Magisterial District (District A). The property currently lies in an area designated as Resource Stewardship in the 2025 Comprehensive Plan.

Ms. Hopkins stated the request is for the relocation of an existing kennel. She reviewed the maps and video of the property. The two (2) proposed accessory structures in excess of 1200 square feet will be constructed on the property and utilized for storage of personal vehicles, a recreational vehicle, equipment, and kennel operations. The proposed structures will be in excess of 500 feet from all property lines and should not be visible to the road or adjacent property owners; however, should trees be cleared the buildings are planned to be architecturally pleasing. The applicants have explained that if the special use permit is not approved they will not be going forward with the project. Ms. Hopkins

discussed how the existing kennel operates. The owner is a licensed veterinarian; however, all dogs and puppies are transported to the clinic for veterinary care. A kennel permit has been issued through Montgomery County. VDOT has stated that if the commercial uses are limited to those activities proposed, a commercial entrance will not be necessary. Staff has received two inquiries about the request: however, once information was provided they had no further concerns or comments.

Mr. Rice opened the public hearing.

Dr. Kelly Burdette, owner, stated she had lived and operated a kennel in Laurel Ridge for over ten (10) years with no complaints. She noted the accessory structures would be metal siding instead of vinyl.

There being no further comments the public hearing was closed

Mr. Thum stated the project would be a benefit to county and the applicants had chosen an appropriate location.

On a motion by Mr. Moore, seconded by Mr. Haynes and carried by a 9-0 vote the planning commission recommended approval of the request by Kelly L. Burdette and John A. Barr Jr. for a special use permit on 57.139 acres in an Agricultural (A-1) zoning district to allow a commercial kennel and allow two (2) accessory structures in excess of 1,200 sq. ft. in area and 18 ft. in height with the following conditions:

1. Kennel operations shall be limited to the breeding, raising, and selling of dogs and/or puppies owned by the property owner.
2. A yearly kennel license for no more than fifty (50) dogs shall be obtained as required by Montgomery County Code.
3. The proposed accessory structures shall be limited in size as follows:
  - Building 1 shall not exceed 3,600 square feet in area and 27 ft. in overall height.
  - Building 2 shall not exceed 1,680 square ft. in area and 20 ft. in overall height.
4. Accessory structures shall be used for personal and kennel use only. Retail sales and/or other commercial activities shall not be permitted.
5. The accessory structures shall not be used as a dwelling, accessory or otherwise without obtaining the proper permits and approvals from the Zoning Administrator, Health Department, and Building Official.

Mr. McMahon requested that separate public hearings be held for each of the following requests.

A request by RWW36, LLC (Agent: Balzer and Associates, Inc.) to amend a concept plan previously approved on September 14, 2009 (ORD-FY-10-13), with possible proffered conditions, to add additional commercial uses and realignment of road on 6.0184 acres zoned General Business (GB). The property is located at the southeast corner of Meadow Creek Rd. (Rt. 658) and Tyler Road (Rt. 600) intersection; identified as Tax Parcel No. 104-4-47 (Account No. 002244) the Riner Magisterial District (District D). The property currently lies in an area designated as Urban Expansion in the 2025 Comprehensive Plan and is further identified as Planned Commercial in the Route 177 Corridor Plan.

Mr. Sandy reviewed the maps, video, and photos of the property. The property was rezoned in October, 2009. The applicants are requesting to amend the proffered conditions and add additional property to the General Business (GB) zoning district. The City of Radford has reviewed the plans and submitted a letter supporting the project. He reviewed the proposed master plan and proposed realignment of Meadow Creek Road. The existing Meadow Creek entrance can be utilized since it was in existence prior to the access management changes in 2009. The realignment will be an improvement to Meadow Creek Road. The round-about would not have to be installed until the other developments begin construction. VDOT comments regarding the TIA identify some items that should be corrected and resubmitted. Public water is available to the site. PSA Sewer can be provided; however, capacity is a concern. The overall capacity can be increased by purchase from City of Radford. A proffer acknowledges the limited capacity and that the

owner may be required to cover a portion of upgrade costs. There is a 100 ft. wide AEP easement which bisects the property. The proposal is consistent with the Montgomery County 2025 Comprehensive Plan. Pedestrian connectivity into and within the site is important. Trails are shown on master plan. Mr. Sandy reviewed the proffer statement and the proposed changes.

Mr. Moore asked if there was a concern with the timing of road improvements.

Mr. Sandy stated a meeting would be held with VDOT to ensure all parties involved are satisfied with the proposed construction schedule. There are also some issues with revenue sharing and Barn Road since a portion of Barn Road will be vacated.

Mr. Rice opened the public hearing.

Mr. Semones stated Mr. Woody began the process with VDOT to plan the improvements to Barn Road as originally proposed. VDOT indicated the improvements were not feasible. Mr. Woody worked with adjoining property owners to purchase additional property in order to realign Meadow Creek. The proposed entrance will be an improvement to the existing road. If Barn Road is vacated the road would be divided between all property owners adjoining the vacated portion. The Woody property does not require the round-about to begin development. S&P has proffered to construct the round-about once development on their property begins. A designated right and left turn lane has been proposed. Mr. Woody wants to proceed with development and would like to move forward with construction this summer. The hospital has indicated that they will not have any development which would require the use of Barn Road. VDOT comments have been addressed and plans have been resubmitted.

Mr. Moore asked if Mr. Woody's proposed development would use Barn Road as an access.

Mr. Semones stated that building 8 on the concept plan may use a back entrance; however, the only other users of Barn Road would be those accessing Mr. Seeley's property. He noted that ingress/egress has to be made available to the Seeley property.

Mr. Ryan Seeley, 2855 Barn Road, stated the previous approval included the upgrade and realignment of Barn Road to handle Meadow Creek Road traffic. This new proposal eliminates Barn Road. This diminishes the road frontage of 2855 Barn Road and eliminates traffic. He stated his opposition to the development.

Mr. Seitz asked if Mr. Seeley if he had spoken with the developer regarding the project and proposed road closure.

Mr. Seeley stated he had not had the opportunity to discuss the project. Mr. Woody has not attempted to contact him. Connecting to the existing access within development would be a better option and should meet VDOT requirements.

Mr. Semones stated the storm water management facility remains as originally proposed, an underground pipe system. He stated Mr. Woody would not be required to improve Barn Road to Meadow Creek. If VDOT would be willing to leave the Barn Road open then there are no objections from Mr. Woody. VDOT requested the road to be closed. The road in front of Mr. Seeley's property is currently gravel. The portion of the road that VDOT could not upgrade is a portion of the paved road closer to Tyler Ave. He noted that Mr. Seeley and Mr. Sang had been to his office to discuss design issues and effects of future access.

Mr. Sang, 2855 Barn Road, stated the development is a good revenue opportunity for the county. Whatever future development occurs should be tied into the proposed development. The proposed cul-de-sac does not tie the properties together. He noted he would like to ensure a tie-in is available near building 7 & 5 of the proposed development and to the Carilion Medical Center.

Mr. Roger Woody, owner, stated VDOT suggested closing Barn Road. A tie-in between building 5 & 7 would be acceptable as long as VDOT agrees to leave Barn Road open to traffic. A couple of clients are requesting space for a hotel and restaurant. There is no intent to harm the potential development of the Seeley property.

There being no further comments the public hearing was closed.

Mr. Sandy reviewed VDOT's concern with Barn Rd serving as the main collector road. The county would require 120 ft. of road frontage be maintained for the Seeley property.

Mr. Haynes noted that this plan is much better than the previous layout. Access to the hospital would be beneficial.

Mr. Thum stated the beneficial design is an asset to the county. He noted he was concerned that holding up a developer could be detrimental to the prospects. He noted there are no plans for the Seeley property at this time.

Mr. Rice stated this plan would work better than the previously approved design.

Mr. Moore stated he would like to see more detail on the possibility of Barn Rd. and the timing of the road development.

On a motion by Mr. Seitz, seconded by Mr. Miller and unanimously carried the Planning Commission voted to table the request for one (1) week.

Requests by Judson H. Young Life Estate (C/O Wagner H. Young), Edwin Mark and Kathleen L. Stewart, and Harmon W. Young (Agent: Balzer and Associates, Inc.) to rezone approximately 6.047 acres from Agricultural (A-1) to General Business (GB), with possible proffered conditions, to allow commercial and office uses. The properties are located at the southwest corner of the intersection of Meadow Creek Road (Rt. 658) and Barn Road (Rt. 627); identified as Tax Parcel No(s). 104-A-27A, 104-4-40, 104-4-41, 104-4-42, and a portion of 104-A-88, (Account No(s) 008938, 021673, 021674, 021675, 021672) in the Riner Magisterial District (District D). The property currently lies in an area designated as Urban Expansion in the 2025 Comprehensive Plan and is further identified as Planned Commercial in the Route 177 Corridor Plan.

Mr. Rice introduced the request.

Mr. McMahon noted this request was for a change in use of property adjacent to property that was previously rezoned.

Mr. Sandy noted the staff presentation was included in the previous request.

Mr. Rice opened the public hearing; however, there being no speakers the public hearing was closed.

On a motion by Mr. Seitz, seconded by Mr. Thum and unanimously carried the request was tabled for one week.

## **OLD BUSINESS:**

None

## **NEW BUSINESS:**

### Brush Mountain Subdivision, Phase 11 Preliminary Review

Mr. Sandy stated Brush Mountain Phase 11 was submitted for preliminary review. He reviewed the plat submitted. The only issue regarding this plat is with VDOT and the site distance of the proposed road. This entrance is not grandfathered and would have to meet current requirements to tie into Route 460 or a request for an exemption would have to be submitted. Staff recommends getting approval from VDOT for these issues prior to acting upon this request.

Mr. Rice asked if preliminary approval is given, would the project proceed if approval from VDOT is not obtained.

Mr. Sandy stated it would not proceed; however, there is not a reason to grant approval if VDOT is not willing to approve the entrance.

Mr. Hancock stated he had spoken to John Jones at VDOT. No-one at this regional office has worked through an exemption under the new regulations. A letter has been drafted to submit the exemption request. VDOT and the planning commission did not want a connection to Route 460 during the original request. VDOT has checked the site distance and confirmed there is sufficient distance. They are requesting a clearing easement if necessary. He noted the connection to 460 was not desired because of topographical issues and dangerous intersection. That connection would not be beneficial to the development.

Mr. Wells stated he supported the exemption request.

Mr. McMahon stated the Planning Commission could approve a resolution stating the Route 460 connection was not supported.

On a motion by Mr. Miller, seconded by Mr. Wells and unanimously carried the Planning Commission tabled the Brush Mountain Phase 11 preliminary plat approval and directed staff to draft a resolution supporting the exemption.

Mr. Rice stated that liaison reports would be deferred to the next meeting.

Mr. Sandy stated the Planning Commissioner Training would be held at the end of the month. The deadline to register is Friday, April 16, 2010.

There being no further business, the meeting was adjourned at 8:50 pm.